IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7763 OF 2006

Smt. Neelam Batla .....Petitioner.

V/s

The State of Maharashtra & Anr. ..... Respondents.

Ms A.P. Madhuri for the Petitioner.

Mr. R.D. Rane, Government Pleader, for Respondents - State.

CORAM: **SMT RANJANA DESAI** & **V.M.KANADE, JJ.**

DATE : **NOVEMBER 28, 2006**

P.C.

1. Heard Ms Madhuri, learned advocate, in support of this Petition. Mr Rane, learned Government Pleader, appears for the respondents.

2. The Petition is filed to seek release of Truck bearing

registration No. U.P.21-D-9432. This vehicle is more than 8 years old and since it is a commercial vehicle, it is not permitted to ply in the City of Mumbai. It has been seized on 19th November, 2006. Ms Madhuri, learned advocate appearing for the Petitioner, states that the Petitioner is ready to shift the vehicle outside the City of Mumbai.

3. Mr. Rane, learned G.P. appearing for the respondents points out that, in such cases, the Petitioners were directed to deposit certain amounts for the violation of the relevant law.

4. There is no use in keeping the vehicle seized. In the circumstances, we allow this petition on the following two terms:-

> (1) The Petitioner will file an undertaking with the R.T.O. that he will move the vehicle outside the Greater Mumbai area within two weeks.
>
> (2) Before removing the vehicle, he will deposit the amount of Rs 10,000/- with

the R.T.O.

5. Mr Rane, learned G.P. points out that, in the earlier orders, amounts were directed to be deposited with the Chief Minister Relief Fund. We are not inclined to direct to deposit the amount over there. Let it be deposited with the R.T.O. The R.T.O will collect the amount as a fine.

6. Petition allowed in the aforesaid terms.

(SMT. RANJANA DESAI, J.)

(V.M. KANADE, J.)